

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

BONNIE M. BURNS,

Plaintiff,

VS.

MICHAEL J ASTRUE,

Defendant.

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CIVIL ACTION NO. 4:12-CV-3435

**ORDER ADOPTING MAGISTRATE'S MEMORANDUM AND  
RECOMMENDATION AND DISMISSING CASE**

Pending before the Court is the Memorandum and Recommendation of United States Magistrate Judge George C. Hanks, Jr. On January 7, 2013, this case was referred to Judge Hanks pursuant to 28 U.S.C. § 636(b)(1)(B). (Dkt. No. 3). Pending before Judge Hanks were the plaintiff's Motion for Summary Judgment and the defendant's Motion for Summary Judgment. On December 9, 2014, Judge Hanks filed a Memorandum and Recommendation recommending that the plaintiff's Motion for Summary Judgment be denied, and the Commissioner's Motion be granted. (Dkt. No. 9).

No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also*, FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

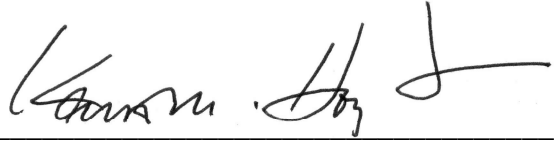
- (1) Judge Hanks' Memorandum and Recommendation is **APPROVED AND ADOPTED** in its entirety as the holding of the Court;
- (2) The plaintiff's Motion for Summary Judgment is **DENIED**;

(3) The defendant's Motion for Summary Judgment is **GRANTED**; and

(4) The case is **DISMISSED**.

It is so **ORDERED**.

SIGNED on this 9<sup>th</sup> day of January, 2015.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt  
United States District Judge